

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

| | | |
|----------------------------|---|----------------------------|
| ALONSO SANTIAGO RODRIGUEZ, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. 5:14-cv-00013-TLW |
| |) | |
| IMMIGRATION AND CUSTOM |) | |
| ENFORCEMENT, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

ORDER

This habeas corpus case is now before the Court because Petitioner has failed to comply with the Court's Order entered on January 9, 2014 (Doc. #8), which instructed Petitioner to complete, sign, date, and return his Answers to the Court's Special Interrogatories with twenty-one (21) days of entry of the Order. Petitioner has also failed to provide the Court with an updated address.

The January 9 Order was mailed to Petitioner at the address he provided when this case was opened. The Order was returned as undeliverable and marked "unable to forward." (Doc. #10). The deadline for Petitioner's compliance has now passed with no response from Petitioner.

Petitioner's failure to provide a forwarding address and his lack of response to the Order indicate his intent to discontinue prosecution of this case and subject this case to dismissal. *See* Fed. R. Civ. P. 41(b) (district courts may dismiss an action if a plaintiff fails to comply with "any order of the court"); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (dismissal with prejudice appropriate where warning given).

Accordingly, this case is dismissed *without prejudice*. The Clerk of Court shall close the file.¹

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

September 12, 2014
Columbia, South Carolina

¹ Under General Order, Misc. No. 3:07-5014-JFA, this dismissal *without prejudice* does *not* count as a “strike” for purposes of the “three strikes” provision of 28 U.S.C. § 1915(g). If Petitioner wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk’s Office in Columbia (**901 Richland Street, Columbia, South Carolina 29201**).

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that Rules 3 and 4 of the Federal Rules of Appellate Procedure govern the right to appeal this Order.